

Sanders	Snowe	Vitter
Schatz	Stabenow	Webb
Schumer	Tester	Whitehouse
Shaheen	Udall (CO)	Wicker
Shelby	Udall (NM)	Wyden

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes on adoption of this amendment, the amendment is rejected.

VOTE ON AMENDMENT NO. 3371

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Coburn and McCain amendment No. 3371.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—40

Alexander	Enzi	McCaskill
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Rubio
Carper	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Thune
Coburn	Klobuchar	Toomey
Cochran	Kohl	Vitter
Coons	Kyl	Webb
Corker	Lee	Wicker
Cornyn	Lugar	
Crapo	McCain	

NAYS—55

Akaka	Harkin	Nelson (FL)
Ayotte	Hatch	Pryor
Baucus	Heller	Reed
Begich	Hoeven	Reid
Bennet	Johnson (SD)	Roberts
Bingaman	Kerry	Rockefeller
Blumenthal	Landrieu	Sanders
Brown (MA)	Leahy	Schatz
Brown (OH)	Levin	Schumer
Cantwell	Lieberman	Shaheen
Cardin	Manchin	Snowe
Casey	McConnell	Stabenow
Collins	Menendez	Tester
Conrad	Merkley	Udall (CO)
Durbin	Mikulski	Udall (NM)
Feinstein	Moran	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murray	
Hagan	Nelson (NE)	

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2 p.m., we debate the next two Coburn amendments in order and that upon the use or yielding back of time on those amendments, the Senate proceed to vote in relation to the Coburn amendments, with all provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, simply what this means is this—and I am really asking for Senators to pay attention because they are very keenly interested in the schedule. I thank the distinguished Senator from Mississippi, Mr. COCHRAN, for working on the expeditious disposition of our amendments.

Senators should be aware that after 2 p.m., they should be in the Chamber to vote on these amendments. These are 10-minute votes, and we do not intend to hold the votes beyond the time. The leadership on both sides of the aisle will be going to the White House to discuss the really critical, crucial matters before the Nation. They must go to the White House, but they will want to exercise their vote. So let's cooperate with the leadership.

At 2 o'clock, Senator COBURN will make his debate. We will have an orderly, crisp rebuttal. Then we will go right to those votes, and then the leadership will be able to leave for the White House. Remember, we have to have that first vote done in a timely way so that both Senator REID and Senator MCCONNELL can leave to have the designated meeting with President Obama.

Mr. COCHRAN. Mr. President, let me join with the Senator from Maryland in commending all Senators for the expeditious way we have been able to move this bill but in particular the chairwoman herself, who has provided strong leadership, capable leadership, and fairness, a sense of fairness for all Senators. I thank her for the honor of serving with her on this committee.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. MANCHIN).

DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER. Under the previous order, there will now be up to 8 minutes of debate equally divided prior to the votes in relation to amendments Nos. 3382 and 3383 offered by the Senator from Oklahoma, Mr. COBURN.

AMENDMENT NO. 3382

Mr. COBURN. Mr. President, amendment No. 3382 would require the use of

competition for all Federal contracts awarded after the date of the enactment of this act for disaster assistance. It would also require the Federal agencies to review and recompetite no-bid contracts that had been awarded prior to it. There is no penalty if it is a no-bid contract, but as that goes forward, additional payments on that would have to come in to review. All this is, is about good government and getting value for the dollars we are going to spend.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in opposition to the amendment. I guess I have 2 minutes for that since it is 4 minutes equally divided between the amendments. I know my colleague from Maryland will debate the other amendment.

I urge a strong "no" vote on this amendment. This would require a huge amount of time and bureaucratic red-tape at a time of emergency between disaster victims and the Federal assistance they deserve.

Competitive bidding is generally a good thing. It can save on costs as well as provide transparency and fraud prevention. It is important that Federal disaster assistance not be used as a slush fund for crony contracts.

Folks, we are dealing with an emergency. In most States, it takes 90 days or more. It can take 3 to 6 months. We have people who desperately need help, and we would slow the process down to a fare-thee-well if we had to invoke the same competitive bidding practice we invoke for other contracts that are not under emergency.

In fact, this is sort of catch-22. Many of our Republican colleagues say the money is spent out too slowly, and then they want to put more levels of redtape and bureaucracy slowdown. What if the contract is challenged in court? Businesses would lay fallow, homes will not be built, and it would leave shorelines unprotected and naked.

Generally, I have been a supporter of competitive bidding, but as the Scripture says: There is a time and a place for everything. When we are dealing with many aspects of an emergency, that should not happen.

My colleague on the other side, for whom I have great respect, is a true gentleman. He does what he believes and says what he believes. He votes against interests that might affect his own State when he does it. In this case, he has not made any exceptions, and that makes no sense. This will hurt people and hurt them badly. In many instances, this will end up costing us more.

Many competitively bid contracts—we have all been through this—end up in court and take years. Years during an emergency? I don't believe we should start that as a new precedent. I